

## United States Department of Agriculture

### FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15751-15800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 11, 1929]

**15751. Adulteration of figs. U. S. v. 25 Cases of Muffin Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22316. I. S. No. 17673-x. S. No. 358.)**

On January 9, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of muffin figs, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from San Francisco, Calif., December 6, 1927, and transported from the State of California into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Muffin Figs Produced and Packed by California Peach and Fig Growers Association, Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15752. Adulteration and misbranding of vinegar. U. S. v. 62 Barrels of Apple Cider Vinegar. Default decree of confiscation and destruction entered. (F. & D. No. 22633. I. S. No. 15825-x. S. No. 665.)**

On or about March 17, 1928, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 62 barrels of vinegar, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Whitehead Kiesel Co., from Louisville, Ky., on or about December 8, 1927, and transported from the State of Kentucky into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Rex Brand Apple Cider Vinegar. Net Contents 52 Gals."

Examination of a sample of the article by this department showed it to consist of evaporated apple products vinegar.

It was alleged in the libel that the article was adulterated in that a product other than apple cider vinegar had been substituted in whole or in part for the said article and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar" and "Net Contents 52 Gals.," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.